

Docket No. 500.40384X00
Serial No. 09/911,715
Office Action dated December 9, 2005

REMARKS

By the present Amendment, claims 9 and 12 have been amended. Claims 34-41 are newly presented for consideration. Accordingly, claims 1-4 and 6-41 are now pending in the application. Claims 1-4, 9-12 and 34-41 are independent.

The Examiner's indication that claims 1-4, 6-8, 16-22, and 30-33 are allowed, is noted with appreciation.

In the Office Action of December 9, 2006, claims 9-15 and 23-29 were rejected under 35 U.S.C. §101, as being directed to non-statutory subject matter. Regarding this rejection, the Office Action indicates that the claimed test chart is nonfunctional descriptive material that comprises mere data. Further, the Office Action indicates that the test chart is not executable code, does not program a computer, or cause the computer to perform certain acts.

By the present Amendment, Applicants have amended independent claims 9-12 to define a test chart that is produced by the image output device that is defined in independent claim 1. These claims now recite a product that is created using the specific device defined by independent claim 1. Accordingly, they now comprise more than mere data.

Applicants therefore respectfully submit that, as amended, independent claims 9-12 comply with the requirements of 35 USC §101.

Claims 13-15 depend, respectively, from independent claims 10-12. Accordingly, these claims are now believed to be in condition for allowance since they were rejected based solely on their dependence from the rejected base claims.

Claims 34-37 are newly presented and each define a method of calibrating an image output device using a test chart. These claims each recite steps that incorporate subject matter previously indicated as allowed or allowable.

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Accordingly, claims 34-37 are also believed to be allowable over the art of record.

Claims 38-41 define computer readable media that contain instructions and data for causing an image output device to create a test chart. The steps performed by the image output device in response to the instructions and data from the computer readable medium correspond to steps that have already been indicated as being allowable.

It is therefore respectfully submitted that claims 38-41 are also in condition for allowance.

For the reasons stated above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, a Notice of Allowance is believed in order, and courteously solicited.

If the Examiner believes that there are any matters which can be resolved by way of either a personal or telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.


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AUTHORIZATION

Applicants request any shortage or excess in fees in connection with the filing of this paper, including extension of time fees, and for which no other form of payment is offered, be charged or credited to Deposit Account No. 01-2135 (Case: 500.40384X00).

Respectfully submitted,
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Dated: March 3, 2006